

REFERENCE TITLE: elections; provisional ballots; identification;  
information

State of Arizona  
Senate  
Forty-seventh Legislature  
Second Regular Session  
2006

## **SB 1366**

Introduced by  
Senator Jarrett

AN ACT

AMENDING SECTIONS 16-168, 16-584 AND 16-646, ARIZONA REVISED STATUTES;  
RELATING TO ELECTIONS AND ELECTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 16-168, Arizona Revised Statutes, is amended to read:

16-168. Precinct registers; date of preparation; contents; copies; reports; statewide database; violation; classification

A. By the tenth day preceding the primary and general elections the county recorder shall prepare from the original registration forms or from electronic media at least four lists that are printed or typed on paper of all qualified electors in each precinct in the county, and the lists shall be the official precinct registers.

B. The official precinct registers for use at the polling place shall contain at least the names in full, party preference, date of registration and residence address of each qualified elector in the respective precincts. The names shall be in alphabetical order and, in a column to the left of the names, shall be numbered consecutively beginning with number 1 in each precinct register.

C. For the purposes of transmitting voter registration information as prescribed by this subsection, electronic media in counties with a population over five hundred thousand **PERSONS** in the last decennial census shall be the principal media. A county or state chairman who is eligible to receive copies of precinct lists as prescribed by this subsection may request that the recorder provide a paper copy of the precinct lists. The county recorder, in addition to preparing the official precinct lists, shall provide a means for mechanically or electronically reproducing the precinct lists and unless otherwise agreed shall deliver within eight days after the close of registration for the primary and general elections, without charge, on the same day one electronic media copy of each precinct list within the county to the county chairman and one electronic media copy to the state chairman of each party that has at least four candidates other than presidential electors appearing upon the ballot in that county at the current election. The county recorder shall also deliver, upon request and without charge, one electronic media copy of the precinct list to the Arizona legislative council. The county recorder of a county with a population of five hundred thousand or fewer persons, on the same day precinct lists are delivered to county chairmen, shall deliver one electronic media copy of each precinct list within the county to the state chairman of each party that has at least four candidates other than presidential electors appearing on the ballot in this state at the current election. The copies of the precinct lists shall be electronic media ~~which~~ **AND** shall include for each elector the following information:

1. Name in full and appropriate title.
2. Party preference.
3. Date of registration.
4. Residence address.
5. Mailing address, if different from residence address.

1           6. Zip code.  
2           7. Telephone number if given.  
3           8. Birth year.  
4           9. Occupation if given.  
5           10. Primary election and general election voting history for the prior  
6 four years and any other information regarding registered voters ~~which~~ THAT  
7 the county recorder or city or town clerk maintains electronically and ~~which~~  
8 THAT is public information.  
9           D. The names on the precinct lists shall be in alphabetical order and  
10 the precinct lists in their entirety, unless otherwise agreed, shall be  
11 delivered to each county chairman and each state chairman at least quarterly  
12 and within ten business days of the close of each quarter in the same format  
13 and media as prescribed by subsection C of this section.  
14           E. Precinct registers and other lists and information derived from  
15 registration forms may be used only for purposes relating to a political or  
16 political party activity, a political campaign or an election, for revising  
17 election district boundaries or for any other purpose specifically authorized  
18 by law and may not be used for a commercial purpose as defined in section  
19 39-121.03. The sale of registers, lists and information derived from  
20 registration forms to a candidate or a registered political committee for a  
21 use specifically authorized by this subsection does not constitute use for a  
22 commercial purpose. The county recorder, on a request for an authorized use  
23 and within thirty days from receipt of the request, shall prepare additional  
24 copies of an official precinct list and furnish them to any person requesting  
25 them on payment of a fee equal to five cents for each name appearing on the  
26 register for a printed list and ten cents for each name for an electronic  
27 data medium, plus the cost of the blank computer disk or computer software if  
28 furnished by the recorder, for each copy so furnished.  
29           F. Any person in possession of a precinct register or list, in whole  
30 or part, or any reproduction of a precinct register or list, shall not permit  
31 the register or list to be used, bought, sold or otherwise transferred for  
32 any purpose except for uses otherwise authorized by this section. A person  
33 in possession of information derived from voter registration forms or  
34 precinct registers shall not distribute, post or otherwise provide access to  
35 any portion of that information through the internet except as authorized by  
36 subsection J of this section. Nothing in this section shall preclude public  
37 inspection of voter registration records at the office of the county recorder  
38 for the purposes prescribed by this section, except that the month and day of  
39 birth date, the social security number or any portion thereof, the driver  
40 license number or nonoperating identification license number, the unique  
41 identifying number prescribed by this section, the Indian census number, the  
42 father's name or mother's maiden name, the state or country of birth and the  
43 records containing a voter's signature shall not be accessible or reproduced  
44 by any person other than the voter, by an authorized government official in  
45 the scope of the official's duties, for signature verification on petitions

1 and candidate filings, for election purposes and for news gathering purposes  
 2 by a person engaged in newspaper, radio, television or reportorial work, or  
 3 connected with or employed by a newspaper, radio or television station or  
 4 pursuant to a court order. ANY DOCUMENTS OR INFORMATION SUBMITTED IN SUPPORT  
 5 OF A VOTER REGISTRATION APPLICATION PURSUANT TO SECTION 16-166, SUBSECTION F  
 6 SHALL NOT BE ACCESSIBLE OR REPRODUCED BY A PERSON OTHER THAN THE VOTER OR BY  
 7 AN AUTHORIZED GOVERNMENT OFFICIAL IN THE SCOPE OF THE OFFICIAL'S DUTIES. THE  
 8 DOCUMENTS OR RECORDS OF THE INFORMATION SUBMITTED MAY BE ARCHIVED  
 9 ELECTRONICALLY. A person who violates this subsection or subsection E of  
 10 this section is guilty of a class 6 felony.

11 G. The county recorder shall count the registered voters by political  
 12 party by precinct, legislative district and congressional district as  
 13 follows:

14 1. In even numbered years, the county recorder shall count all persons  
 15 who are registered to vote as of:

16 (a) January 1.

17 (b) March 1.

18 (c) The last day on which a person may register to be eligible to vote  
 19 in the next primary election.

20 (d) The last day on which a person may register to be eligible to vote  
 21 in the next general election.

22 (e) The last day on which a person may register to be eligible to vote  
 23 in the next presidential preference election.

24 2. In odd numbered years, the county recorder shall count all persons  
 25 who are registered to vote as of:

26 (a) January 1.

27 (b) April 1.

28 (c) July 1.

29 (d) October 1.

30 H. The county recorder shall report the totals to the secretary of  
 31 state as soon as is practicable following each of the dates prescribed in  
 32 subsection G of this section. The report shall include completed  
 33 registration forms returned in accordance with section 16-134, subsection B.  
 34 The county recorder shall also provide the report in a uniform electronic  
 35 computer media format that shall be agreed upon between the secretary of  
 36 state and all county recorders. The secretary of state shall then prepare a  
 37 summary report for the state and shall maintain that report as a permanent  
 38 record.

39 I. The county recorder and the secretary of state shall protect access  
 40 to voter registration information in an auditable format and method specified  
 41 in the secretary of state's electronic voting system instructions and  
 42 procedures manual that is adopted pursuant to section 16-452.

43 J. The secretary of state shall develop and administer a statewide  
 44 database of voter registration information that contains the name and  
 45 registration information of every registered voter in this state. The

1 database shall include an identifier that is unique for each individual  
2 voter. The database shall provide for access by voter registration officials  
3 and shall allow expedited entry of voter registration information after it is  
4 received by county recorders. As a part of the statewide voter registration  
5 database, county recorders shall provide for the electronic transmittal of  
6 that information to the secretary of state on a daily basis. The secretary  
7 of state shall provide for maintenance of the database, including provisions  
8 regarding removal of ineligible voters that are consistent with the national  
9 voter registration act of 1993 (P.L. 103-31; 107 STAT. 77; 42 United States  
10 Code section 394) and the help America vote act of 2002 (P.L. 107-252; 116  
11 STAT. 1666; 42 UNITED STATES CODE SECTIONS 15301 THROUGH 15545), provisions  
12 regarding removal of duplicate registrations and provisions to ensure that  
13 eligible voters are not removed in error.

14 K. For requests for the use of registration forms and access to  
15 information as provided in subsections E and F of this section, the county  
16 recorder shall receive and respond to requests regarding federal, state and  
17 county elections.

18 Sec. 2. Section 16-584, Arizona Revised Statutes, is amended to read:

19 16-584. Qualified elector not on precinct register; recorder's  
20 certificate; provisional ballot; procedure

21 A. A qualified elector whose name is not on the precinct register and  
22 who presents a certificate from the county recorder showing that the elector  
23 is entitled by law to vote in the precinct shall be entered on the signature  
24 roster on the blank following the last printed name and shall be given the  
25 next consecutive register number, and the qualified elector shall sign in the  
26 space provided.

27 B. A qualified elector whose name is not on the precinct register,  
28 upon presentation of identification verifying the identity of the elector  
29 that includes the voter's given name and surname and the complete residence  
30 address that is verified by the election board to be in the precinct or on  
31 signing an affirmation that states that the elector is a registered voter in  
32 that jurisdiction and is eligible to vote in that jurisdiction, shall be  
33 allowed to vote a provisional ballot.

34 C. If a voter has moved to a new address within the county and has not  
35 notified the county recorder of the change of address before the date of an  
36 election, the voter shall be permitted to correct the voting records for  
37 purposes of voting in future elections at the appropriate polling place for  
38 the voter's new address. The voter shall be permitted to vote a provisional  
39 ballot. The voter shall present a form of identification that includes the  
40 voter's given name and surname and the voter's complete residence address.  
41 The residence address must be within the precinct in which the voter is  
42 attempting to vote, and the voter shall affirm in writing that the voter is  
43 registered in that jurisdiction and is eligible to vote in that jurisdiction.

44 D. On completion of the ballot, the election official shall remove the  
45 ballot stub, shall place the ballot in a provisional ballot envelope and

1 shall deposit the envelope in the ballot box. Within ten calendar days after  
2 a general election that includes an election for a federal office and within  
3 five business days after any other election or no later than the time at  
4 which challenged early voting ballots are resolved, the signature shall be  
5 compared to the precinct signature roster of the former precinct where the  
6 voter was registered. If the voter's name is not signed on the roster and if  
7 there is no indication that the voter voted an early ballot, the provisional  
8 ballot envelope shall be opened and the ballot shall be counted. If there is  
9 information showing the person did vote, the provisional ballot shall remain  
10 unopened and shall not be counted. When provisional ballots are confirmed  
11 for counting, the county recorder shall use the information supplied on the  
12 provisional ballot envelope to correct the address record of the voter.

13 E. When a voter is allowed to vote a provisional ballot, the elector's  
14 name shall be entered on a separate signature roster page at the end of the  
15 signature roster. Voters' names shall be numbered consecutively beginning  
16 with the number V-1. The elector shall sign in the space provided. The  
17 ballot stub shall be removed and the ballot shall be placed in a separate  
18 envelope, the outside of which shall contain the precinct name or number, a  
19 sworn or attested statement of the elector that the elector resides in the  
20 precinct, is eligible to vote in the election and has not previously voted in  
21 the election, the signature of the elector and the voter registration number  
22 of the elector, if available. The ballot shall be verified for proper  
23 registration of the elector by the county recorder before being counted. The  
24 verification shall be made by the county recorder within five business days  
25 following the election, and the voter receipt card, notification or  
26 identification card, if any, from the county recorder used therefor, if  
27 valid, shall be returned to the elector within a reasonable time thereafter.  
28 Verified ballots shall be counted by depositing the ballot in the ballot box  
29 and showing on the records of the election that the elector has voted. If  
30 registration is not verified the ballot shall remain unopened and shall be  
31 retained in the same manner as voted ballots.

32 F. For any person who votes a provisional ballot, the county recorder  
33 or other officer in charge of elections shall provide for a method of  
34 notifying the provisional ballot voter at no cost to the voter whether the  
35 voter's ballot was verified and counted and, if not counted, the reason for  
36 not counting the ballot. The notification may be in the form of notice by  
37 mail to the voter, establishment of a toll free telephone number, internet  
38 access or other similar method to allow the voter to have access to this  
39 information. The method of notification shall provide reasonable  
40 restrictions that are designed to limit transmittal of the information only  
41 to the voter.

42 G. ALL PROVISIONAL BALLOTS, INCLUDING ANY CONDITIONAL PROVISIONAL  
43 BALLOTS AUTHORIZED BY LAW, SHALL MEET BOTH OF THE FOLLOWING REQUIREMENTS:

44 1. THE PROVISIONAL BALLOT ENVELOPES SHALL BE VISUALLY DISTINGUISHABLE  
45 FROM OTHER BALLOT ENVELOPES ISSUED AT A POLLING PLACE OR AT AN ON-SITE EARLY

1 VOTING LOCATION. PROVISIONAL AND CONDITIONAL PROVISIONAL BALLOT ENVELOPES  
2 MAY BE PRINTED ON COLORED PAPER, MAY BEAR BAR CODES THAT DO NOT IDENTIFY THE  
3 VOTER OR MAY USE OTHER METHODS TO VISUALLY DISTINGUISH THOSE TYPES OF BALLOT  
4 ENVELOPES.

5 2. THE PROVISIONAL BALLOTS SHALL NOT BE TABULATED AT A POLLING PLACE.

6 H. FOR THE PURPOSES OF THIS SECTION, "CONDITIONAL PROVISIONAL BALLOT"  
7 MEANS A BALLOT ISSUED TO A VOTER WHO DOES NOT PRESENT SUFFICIENT  
8 IDENTIFICATION AT THE POLLING PLACE PURSUANT TO SECTION 16-579, SUBSECTION A  
9 BUT WHO IS ENTITLED TO VOTE A BALLOT THAT IS CONDITIONED ON SUBSEQUENTLY  
10 PROVIDING SUFFICIENT IDENTIFICATION.

11 Sec. 3. Section 16-646, Arizona Revised Statutes, is amended to read:

12 16-646. Statement, contents and mailing of official canvass

13 A. When the result of the canvass is determined, a statement, known  
14 and designated as the official canvass, shall be entered on the official  
15 record of the election district which shall show:

16 1. The number of ballots cast in each precinct and in the county,  
17 INCLUDING PROVISIONAL BALLOTS AND CONDITIONAL PROVISIONAL BALLOTS.

18 2. The number of ballots rejected in each precinct and in the county.

19 3. The titles of the offices voted for and the names of the persons,  
20 together with the party designation, if any, of each person voted for to fill  
21 the offices.

22 4. The number of votes by precincts and county received by each  
23 candidate.

24 5. The numbers and a brief title of each proposed constitutional  
25 amendment and each initiated or referred measure voted upon.

26 6. The number of votes by precincts and county for and against such  
27 proposed amendment or measure.

28 B. The certified permanent copy of the official canvass for all  
29 offices and ballot measures, except offices and ballot measures in a city or  
30 town election and nonpartisan election returns, shall be mailed immediately  
31 to the secretary of state who shall maintain and preserve ~~them~~ IT as a  
32 permanent public record.

33 C. The board of supervisors shall deliver a copy of the official  
34 canvass for all offices and ballot measures in the primary and general  
35 elections to the secretary of state in a uniform electronic computer media  
36 format that shall be agreed upon between the secretary of state and all  
37 county election officials. The uniform format shall be designed to  
38 facilitate the computer analysis of election results for offices and ballot  
39 measures that are statewide ~~or~~ THAT are common to more than one county.

40 D. The certified permanent copy of the official canvass for all  
41 offices and ballot measures in a city or town election shall be filed with  
42 the appropriate city or town clerk, or in a special district election with  
43 the clerk of the board of supervisors, who shall maintain and preserve ~~them~~  
44 IT as a permanent public record.